



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 04-41
July 13, 2009

SPECIAL APPROVALS AND AFFIRMATIONS FOR PURCHASE REQUISITIONS; MANDATORY USE OF NASA FORM 1707

BACKGROUND: Procurement requests or purchase requisitions require coordination and, in some cases, approval of several stakeholders. For example, the Environmental Management Division must review requisitions to ensure that environmental requirements have been included. Likewise, the Space Flight and Ground Support Programs and Projects Office must certify that the Technical Standards and Specifications cited in any solicitation or award are: 1) the most recent version, 2) tailored to the needs of the project and its elements, and 3) registered with the NASA Standards Update Notification System (SUNS). Because the automated Contract Management Module (CMM) and SAP do not support an automated requisition review and approval process, NASA offices have historically utilized the NASA Form 1707 to document contract files and to ensure that all coordination has been completed. However, because the NASA FAR Supplement (NFS) did not require the use of NASA Form 1707, its use has been inconsistent.

NASA Form 1707 has been revised to reflect current requirements. The form also includes optional blocks which may be used to document local, Center-unique coordinations.

PURPOSE: The purpose of this PN is to make the use of NASA Form 1707 mandatory. Additionally, this PN incorporates three requisition coordinations, which currently exist in Agency directives, into the NFS. They are:

- For Space Flight and Ground Support Programs and Projects, the Program or Project Technical Authority must certify with respect to the Technical Standards and Specifications.
- The requiring office must develop a Quality Assurance Surveillance Plan (QASP) for any contract that has higher-level contract quality requirements.
- The Program or Project Technical authority must certify that all requirements which are related to space communication and navigation capabilities of NASA, of other US Government Agencies, or of other nations have been coordinated with the Office of Space Communication and Navigation (SCaN) in the Office of Space Operations Mission Directorate (SOMD).

ACQUISITIONS AFFECTED BY CHANGES: All purchase orders and contracts when the purchase requisition is initiated after the effective date of this PN.

ACTIONS REQUIRED BY CONTRACTING OFFICERS: Ensure that the requiring office obtains necessary concurrences on NASA Form 1707, and provides the form to the CO with the requisition. While the requesting office has ultimate responsibility for securing concurrences, contracting officers should assist in coordinating the concurrence process, as appropriate.

CLAUSE CHANGES: None.

PARTS AFFECTED: Part 1804, 1811, and 1837.

REPLACEMENT PAGES: You may use the enclosed pages to replace 4:15, Part 18:11, and Part 1837 of the NFS.

TYPE OF RULE AND PUBLICATION DATE: These changes do not have a significant effect beyond the internal operating procedures of NASA and do not have a significant cost or administrative impact on contractors or offerors. Therefore, they do not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

HEADQUARTERS CONTACT: Leigh Pomponio, Contract Management Division, 202-358-0592, email: leigh.pomponio@nasa.gov.

//s//

William P. McNally
Assistant Administrator for Procurement

Enclosures

DISTRIBUTION:
PN List

However, for the items specified in FAR 4.803(a)(10), (11), and (12), the contracting officer shall provide documentation pertaining only to the successful offeror; and, in lieu of the items specified in FAR 4.803(a)(26)(ii) and (iii), the contracting officer shall provide an index briefly describing the content of all previous modifications.

(c) The approval required under this section shall be made by signature of the Assistant Administrator for Procurement on the contract/supplemental agreement.

Subpart 1804.73--Procurement Requests

1804.7301 General.

~~—(a) The procurement request (PR) is known as a “purchase requisition” (requisition) and is developed in NASA’s Integrated Enterprise Management Program/Core Financial Module (CF). In order for a requisition to be sent forward for action, CF requires that several coordinations be obtained first. However, there are additional required coordinations at the Agency level and sometimes at the Center level. The initiator of the requisition is responsible for obtaining those additional coordinations. A NASA Form (NF) 1707, Special Approvals and Affirmations for Requisitions, must be used to document additional coordinations. The form can be obtained at~~

~~<http://server-mpo.arc.nasa.gov/Services/NEFS/User/ForSea.taf?function=search&sort=type->~~

~~The completed NF 1707 and any additional special approvals or affirmations required must be electronically attached to the requisition in CF and must include the name of the approver and date approved. The contracting officer must include a hard copy in the contract file, or a link to the electronic copy. The procurement office must not accept a requisition until all required coordinations have been documented. The NF 1707 is not required for within scope actions for which special approvals and affirmations have previously been obtained. In addition, the NF 1707 is not required for grants, cooperative agreements, and space act agreements.~~

~~—(b) Except in unusual circumstances, the contracting office shall not issue solicitations until an approved procurement request (PR), containing a certification that funds are available, has been received. However, the contracting office may take necessary actions, up to the point of obligation of funds, before the acceptance of the requisition certifying that funds are available only when—~~

- ~~—1. Such action is necessary to meet critical program schedules;~~
- ~~—2. Program authority has been issued and funds to cover the acquisition will be available prior to the date set for contract award or contract modification;~~
- ~~—3. The Procurement Officer authorizes such action in writing before solicitation issuance; and~~
- ~~—The solicitation includes the clause at FAR 52.232-18, Availability of Funds. The clause shall be deleted from the resultant contract.~~

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4. The solicitation includes the clause at FAR 52.232-18, Availability of Funds. The clause shall be deleted from the resultant contract.

PART 1811
DESCRIBING AGENCY NEEDS

TABLE OF CONTENTS

1811.002	Policy.
SUBPART 1811.1	SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS
1811.101	Order of precedence for requirements documents.
1811.107	Solicitation provisions.
SUBPART 1811.4	DELIVERY OR PERFORMANCE SCHEDULES
1811.403	Supplies or services.
1811.403-70	Packaging, handling, and transportation
1811.404	Contract clauses.
1811.404-70	NASA contract clauses.
SUBPART 1811.5	LIQUIDATED DAMAGES
1811.501	Policy.
SUBPART 1811.6	PRIORITIES AND ALLOCATIONS
1811.600	Scope of subpart.
1811.602	General.
1811.603	Procedures.

PART 1811
DESCRIBING AGENCY NEEDS

1811.002 Policy.

(b) Implementation of the Metric Conversion Act of 1975, as amended, must be in accordance with NPD 8010.2, Use of the Metric System of Measurements in NASA Programs.

(h) For Space Flight and Ground Support Programs and Projects, the Program or Project Technical Authority(ies) (see NPR 7120.5) must certify that the Technical Standards and Specifications cited in any solicitation or award are: 1) the most recent version, 2) tailored to the needs of the project and its elements, and 3) registered with the NASA Standards Update Notification System (SUNS) at <http://standards.nasa.gov/default.taf>. Exceptions must be approved by the Technical Authorities, and attached hereto.

(i) For procurements which include space communications and navigation (SCaN) capabilities, the Program or Project Technical Authorities (see NPD 8074) must certify that the requirement has been coordinated with the SCaN Office in the Space Operations Mission Directorate (SOMD).

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Subpart 1811.1--Selecting and Developing Requirements Documents

1811.101 Order of precedence for requirements documents.

(a) Safeguards to ensure safety, security, and environmental protection must be included, as applicable, in requirements documents.

(b)(1) Requirements for the use of energy efficient motor vehicles will be established in accordance with NPR 6200.1, "NASA Transportation and General Traffic Management".

(b)(2) Requirements for the use of environmentally preferable products will be established in accordance with NPR 8830.1, "Affirmative Procurement Plan for Environmentally Preferable Products." Requirements for the use of energy and water efficient products and the use of renewable energy technology will be established in accordance with NPR 8570.1, "Energy Efficiency and Water Conservation Technologies and Practices."

1811.107 Solicitation provisions.

(b) NASA uses the categorical method to report its use of voluntary consensus standards. Therefore, use of the provisions at 52.211-7 is not required. However, contracting officers must include in draft RFPs (DRFPs) the information required by 1815.201(c)(6)(A).

Subpart 1811.4--Delivery or Performance Schedules

1811.403 Supplies or services.

(a)(3) Contract delivery or performance schedules must not be expressed in terms of a notice of award. A notice of award as a specific document, separate from the award document itself, is not a contractual document and shall not be used as a reference point for contract performance. See 1814.408 for additional information on notices of award.

1811.403-70 Packaging, handling, and transportation.

(a) NPR 6000.1, "Requirements for Packaging, Handling, and Transportation for Aeronautical and Space Systems, Equipment, and Associated Components" provides guidance for shipment of certain NASA items.

(b) Contracting officers, with the advice of the requiring activity and the Center Transportation Officer, must include a designation of each deliverable item, or groupings of deliverable items, as Class I, II, III, or IV for the purposes of contractor compliance with the NPR.

1811.404 Contract clauses.

(a)(2) FAR 52.211-8, Time of Delivery, Alternates II and III, must not be used in NASA contracts.

(3) FAR 52.211-9, Desired and Required Time of Delivery, Alternates II and III, must not be used in NASA contracts.

1811.404-70 NASA contract clauses.

The clause at 1852.211-70, Packaging, Handling, and Transportation, must be included in solicitations for contracts for deliverable items, including software, designated as Class I (mission essential), Class II (delicate or sensitive), or Class III (requires special handling or monitoring).

Subpart 1811.5--Liquidated Damages

1811.501 Policy.

(d) The procurement officer must forward recommendations concerning remission of liquidated damages to the Headquarters Office of Procurement (Code HS).

Subpart 1811.6--Priorities and Allocations

1811.600 Scope of subpart.

The Defense Priorities and Allocations System (15 CFR Part 700) may be viewed at http://www.access.gpo.gov/nara/cfr/waisidx_06/15cfr700_06.html

1811.602 General.

(c) The Department of Defense is the "Delegate Agency" for NASA. The Headquarters Office of Procurement (Code HK) must coordinate with DOD, as necessary, to ensure that any DOD requirements are met.

1811.603 Procedures.

(e)(i) Rated orders may be used by NASA only as provided in Section 700.17 of the DPAS (15 CFR 700.17) and subject to the limitations provided in Section 700.18 of the DPAS (15 CFR 700.18). Priority ratings are assigned on individual contracts and purchase orders by the contracting officer.

(ii) NASA rated orders may only be assigned a DO rating, unless NASA has obtained a DX rating from the Department of Defense.

(iii) The following program identification symbols may be used on NASA rated contracts and purchase orders for equipment and services that support authorized programs (see Schedule I of the DPAS):

- A1 - Aircraft
- A2 - Missiles
- A3 - Ships
- A5 - Weapons
- A6 - Ammunition
- A7 - Electronic and Communications Equipment
- B1 - Military Building Supplies
- B8 - Production Equipment (For Contractor's Account)
- B9 - Production Equipment (Government-Owned)
- C2 - Construction
- C3 - Maintenance, Repair, and Operating Supplies for Facilities
- C9 - Miscellaneous/Other

(g) Installation requests for assistance shall be directed to the Headquarters Office of Procurement (Code HK).

PART 1837
SERVICE CONTRACTING

TABLE OF CONTENTS

SUBPART	1837.1	SERVICE CONTRACTS--GENERAL
1837.101		Definitions.
1837.104		Personal services contracts.
1837.110		Solicitation provisions and contract clauses.
1837.110-70		NASA solicitation provision and contract clauses.
1837.170		Pension portability.
SUBPART	1837.2	ADVISORY AND ASSISTANCE SERVICES
1837.203		Policy.
1837.203-70		Providing contractors access to sensitive information.
1837.203-71		Release of contractors' sensitive information.
1837.203-72		NASA contract clauses.
1837.204		Guidelines for determining availability of personnel.
SUBPART	1837.6	PERFORMANCE-BASED ACQUISITION
1837.601		General.
1837.604		Quality assurance surveillance plans.
1837.604		Quality assurance surveillance plans.

PART 1837
SERVICE CONTRACTING

Subpart 1837.1--Service Contracts--General

1837.101 Definitions.

"Pension portability" means the recognition and continuation in a successor service contract of the predecessor service contract employees' pension rights and benefits.

1837.104 Personal services contracts.

(b) Section 203(c)(9) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(9)) authorizes NASA "to obtain services as authorized by Section 3109 of Title 5, United States Code." It is NASA policy to obtain the personal services of experts and consultants by appointment rather than by contract. The policies, responsibilities, and procedures pertaining to the appointment of experts and consultants are in NPR 3300.1, Appointment of Personnel To/From NASA, Chapter 4, Employment of Experts and Consultants.

1837.110 Solicitation provisions and contract clauses.

1837.110-70 NASA solicitation provision and contract clauses.

(a) The contracting officer shall insert the clause at 1852.237-70, Emergency Evacuation Procedures, in solicitations and contracts for on-site support services where emergency evacuations

of the NASA installation may occur, e.g., snow, hurricanes, tornadoes, earthquakes, or other emergencies.

(b) The contracting officer shall insert the clause at 1852.237-71, Pension Portability, in solicitations, contracts or negotiated contract modifications for additional work when the procurement officer makes the determination in 1837.170(a)(2).

1837.170 Pension portability.

(a) It is NASA's policy not to require pension portability in service contracts. However, pension portability requirements may be included in solicitations, contracts, or contract modifications for additional work under the following conditions:

(1)(i) There is a continuing need for the same or similar services for a minimum of five years (inclusive of options), and, if the contractor changes, a high percentage of the predecessor contractor's employees are expected to remain with the program; or

(ii) The employees under a predecessor contract were covered by a portable pension plan, a follow-on contract or a contract consolidating existing services is awarded, and the total contract period covered by the plan covers a minimum of five years (including both the predecessor and successor contracts); and

(2) The procurement officer determines in writing, with full supporting rationale, that such a requirement is in the Government's best interest. The procurement officer shall maintain a record of all such determinations.

(b) When pension portability is required, the plan shall comply with the requirements of the clause at 1852.237-71, Pension Portability, (see 1837.110-70(b)), and the contract shall also include a clear description of the plan, including service, pay, liabilities, vesting, termination, and benefits from prior contracts.

Subpart 1837.2--Advisory and Assistance Services

1837.203 Policy.

(c) Advisory and assistance services of individual experts and consultants shall normally be obtained by appointment rather than by contract (see NPR 3300.1, Appointment of Personnel To/From NASA, Chapter 4, Employment of Experts and Consultants).

1837.203-70 Providing contractors access to sensitive information.

(a)(1) As used in this subpart, "sensitive information" refers to information that the contractor has developed at private expense or that the Government has generated that qualifies for an exception to the Freedom of Information Act, which is not currently in the public domain, may embody trade secrets or commercial or financial information, and may be sensitive or privileged, the disclosure of which is likely to have either of the following effects: (1) to impair the Government's ability to obtain this type of information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. The term is not intended to resemble the markings of national security documents as in sensitive-secret-top secret.

(2) As used in this subpart, "requiring organization" refers to the NASA organizational element or activity that requires specified services to be provided.

—(3) As used in this subpart, "service provider" refers to the service contractor that receives sensitive information from NASA to provide services to the requiring organization.

(b)(1) To support management activities and administrative functions, NASA relies on numerous service providers. These contractors may require access to sensitive information in the Government's possession, which may be entitled to protection from unauthorized use or disclosure.

(2) As an initial step, the requiring organization shall identify when needed services may entail access to sensitive information and shall determine whether providing access is necessary for accomplishing the Agency's mission. The requiring organization shall review any service provider requests for access to information to determine whether the access is necessary and whether the information requested is considered "sensitive" as defined in paragraph (a)(1) of this section.

(c) When the requiring organization determines that providing specified services will entail access to sensitive information, the solicitation shall require each potential service provider to submit with its proposal a preliminary analysis of possible organizational conflicts of interest that might flow from the award of a contract. After selection, or whenever it becomes clear that performance will necessitate access to sensitive information, the service provider must submit a comprehensive organizational conflicts of interest avoidance plan.

(d) This comprehensive plan shall incorporate any previous studies performed, shall thoroughly analyze all organizational conflicts of interest that might arise because the service provider has access to other companies' sensitive information, and shall establish specific methods to control, mitigate, or eliminate all problems identified. The contracting officer, with advice from Center counsel, shall review the plan for completeness and identify to the service provider substantive weaknesses and omissions for necessary correction. Once the service provider has corrected the substantive weaknesses and omissions, the contracting officer shall incorporate the revised plan into the contract, as a compliance document.

(e) If the service provider will be operating an information technology system for NASA that contains sensitive information, the operating contract shall include the clause at 1852.204-76, Security Requirements for Unclassified Information Technology Resources, which requires the implementation of an Information Technology Security Plan to protect information processed, stored, or transmitted from unauthorized access, alteration, disclosure, or use.

(f) NASA will monitor performance to assure any service provider that requires access to sensitive information follows the steps outlined in the clause at 1852.237-72, Access to Sensitive Information, to protect the information from unauthorized use or disclosure.

1837.203-71 Release of contractors' sensitive information.

Pursuant to the clause at 1852.237-73, Release of Sensitive Information, offerors and contractors agree that NASA may release their sensitive information when requested by service providers in accordance with the procedures prescribed in 1837.203-70 and subject to the safeguards and protections delineated in the clause at 1852.237-72, Access to Sensitive Information. As required by the clause at 1852.237-73, or other contract clause or solicitation provision, contractors must identify information they claim to be "sensitive" submitted as part of a proposal or in the course of performing a contract. The contracting officer shall evaluate all contractor claims of sensitivity in deciding how NASA should respond to requests from service providers for access to information.

1837.203-72 NASA contract clauses.

(a) The contracting officer shall insert the clause at 1852.237-72, Access to Sensitive Information, in all solicitations and contracts for services that may require access to sensitive information belonging to other companies or generated by the Government.

(b) The contracting officer shall insert the clause at 1852.237-73, Release of Sensitive Information, in all solicitations, contracts, and basic ordering agreements.

1837.204 Guidelines for determining availability of personnel.

(a)(i) Outside peer review evaluators may be used to evaluate SBIR, STTR, NRA, AO, and unsolicited proposals without making the determination of non-availability.

(ii) For all other actions, the NASA official one level above the NASA program official responsible for the evaluation shall make the determination, with the concurrence of the legal office. The contracting officer shall ensure that a copy of the determination is in the contract file prior to issuance of a solicitation.

(b) The official designated in paragraph (a)(ii) of this section is responsible for the actions required in FAR 37.204(b).

(c) The agreement shall be made by the program official responsible for the evaluation and the contracting officer.

(e) The Assistant Administrator for Procurement (Code HS) is the approval authority for class determinations. The class determination request shall include the assessment required by FAR 37.204(b).

Subpart 1837.6--Performance-Based Acquisition

1837.601 General.

(a) A statement of objectives (SOO) may be used on both competitive and non-competitive acquisitions. Use of a SOO on a competitive acquisition must be approved by the Procurement Officer and supported by a description of how the source selection process will be structured to accommodate evaluation of offeror-unique performance work statements submitted in response to the SOO.

1837.604 Quality assurance surveillance plans.

A Quality Assurance Surveillance Plan (QASP) must be developed for each contract for services, and also for supplies where higher-level contract quality requirements are required. Those plans must be consistent with and may be included within the over-arching project QASP (PQASP) described in NPR 8735.2, Management of Government Quality Assurance Functions for NASA Contracts.

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